

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

CINDY HALABURDA, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

BAUER PUBLISHING CO., LP, a
Delaware Partnership,

Defendant.

Case No. 2:12-cv-12831-GCS-RSW

Hon. George C. Steeh

DAVID GRENKE, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

HEARST COMMUNICATIONS, INC.,
a Delaware Corporation,

Defendant.

Case No. 2:12-cv-14221-GCS-MKM

Hon. George C. Steeh

ROSE COULTER-OWENS,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

TIME INC., a Delaware Corporation,

Defendant.

Case No. 2:12-cv-14390-GCS-MKM

Hon. George C. Steeh

UNOPPOSED MOTION TO AMEND SCHEDULING ORDER

Defendants Bauer Publishing Co., LP, Hearst Communications, Inc., and Time Inc. (collectively “Defendants”), by and through their respective counsel and pursuant to Fed. R. Civ. P. 6(b), hereby move the Court to extend all deadlines in the case by sixty days, and state as follows:

1. On August 23, 2012, Plaintiff Halaburda filed her Amended Complaint in the case captioned *Halaburda v. Bauer Publishing Co., LP*, Case No. 2:12-cv-12831 (E.D. Mich.). Likewise, on September 24, 2012, Plaintiff Grenke filed his Complaint in the case captioned *Grenke v. Hearst Communications, Inc.*, Case No. 2:12-cv-14221 (E.D. Mich.), and on October 3, 2012, then-Plaintiff Susan Fox filed her Complaint in the case captioned *Coulter-Owens v. Time, Inc.*, Case No. 2:12-cv-14390 (E.D. Mich.). On November 15, 2013, pursuant to the Parties’ stipulation and the Court’s order, (*see Coulter-Owens Dkt. 52*), Plaintiff Fox was substituted out of the action as named plaintiff, and Plaintiff Rose Coulter-Owens filed her First Amended Class Action Complaint in Fox’s stead. (*See Coulter-Owens Dkt. 53*).

2. On December 3, 2012, the Defendants in each of the above-captioned cases filed Motions to Dismiss their respective lawsuits. (Halaburda Dkt. 29; Grenke Dkt. 18; Coulter-Owens Dkt. 22). The Court granted in part and denied in part Defendants’ Motions to Dismiss on August 6, 2013. (Halaburda Dkt. 47;

Grenke Dkt. 38; Coulter-Owens Dkt. 43).

3. On August 22, 2013, Defendants filed their Motion for Amendment and Certification of Orders for Interlocutory Appeal and Stay Pending Appeal (Halaburda Dkt. 50; Grenke Dkt. 41; Coulter-Owens Dkt. 46), to which Plaintiffs responded on September 12, 2013 and Defendants replied on September 26, 2013. (Halaburda Dkts. 52, 54; Grenke Dkts. 43, 45; Coulter-Owens Dkts. 48, 50.) That motion is currently *sub judice* before the Court.

4. On October 3, 2013, the Court held a scheduling conference in chambers, during which the Parties informed the Court that they intended to engage in discussions in an effort to determine whether settlement of the above-captioned actions (either some or all) was possible. Following the conference, the Court entered a scheduling order which provides for a discovery cutoff date of May 5, 2014. (Halaburda Dkt. 56; Grenke Dkt. 47; Coulter-Owens Dkt. 51.)

5. In the weeks since the October 3, 2013 scheduling conference, counsel for the Parties have had several discussions regarding classwide settlement, and agree, based on those discussions, that further time and effort is required to enable them to determine whether settlement of either some of all of these cases is possible. The Parties have agreed that in the event mediation is deemed appropriate the mediation would take place in New York, and that a corporate representative with full settlement authority would appear in person on

behalf of each Defendant.

6. As such, Defendants request a 60-day extension of all currently scheduled dates and deadlines (specifically including, but not limited to, Defendants' time to respond to the pending complaints, and Defendants' time to respond to Plaintiffs' discovery requests) in order to allow counsel to devote their full attention and resources toward the settlement discussions at hand, and to avoid potentially unnecessary discovery and discovery disputes that would waste the time and resources of the Court and the Parties. Plaintiffs' counsel has reviewed the instant motion and has advised that it has no opposition to either the form or requested relief.

7. In light of the above and the fact that the Federal Rules of Civil Procedure encourage the "speedy and inexpensive determination of every action and proceeding," Fed. R. Civ. P. 1, as well as efforts to "promptly settl[e] or resolv[e] the case," Fed. R. Civ. P. 26(f)(2), the Parties respectfully believe that the requisite good cause for the granting of this motion is present.

8. The instant motion is filed in good faith and not for purposes of undue delay or for any improper purpose. To the contrary, the Parties believe that a 60-day extension of deadlines will enable them to determine whether a settlement with respect to all or some of the above-entitled actions is possible at this time.

WHEREAS, Defendants Bauer Publishing Co., LP, Hearst Communications, Inc., and Time Inc. respectfully request that the Court enter an Order granting extending all currently scheduled deadlines sixty days, so that the Parties may continue their settlement discussions.

Respectfully submitted,

Dated: November 27, 2013

**Bauer Publishing Co., LP, Hearst
Communications, Inc., and Time, Inc.**

By: /s/ Sharon L. Schneier
One of Defendants' Attorneys

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*Counsel for Defendants Bauer Publishing Co., LP,
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CERTIFICATE OF SERVICE

I, Sharon L. Schneier, an attorney, certify that on November 27, 2013, I served the above and foregoing Unopposed Motion to Amend Scheduling Order by causing true and accurate copies of such paper to be filed and transmitted to all counsel of record via the court's CM/ECF electronic filing system, on November 27, 2013.

/s/ Sharon L. Schneier